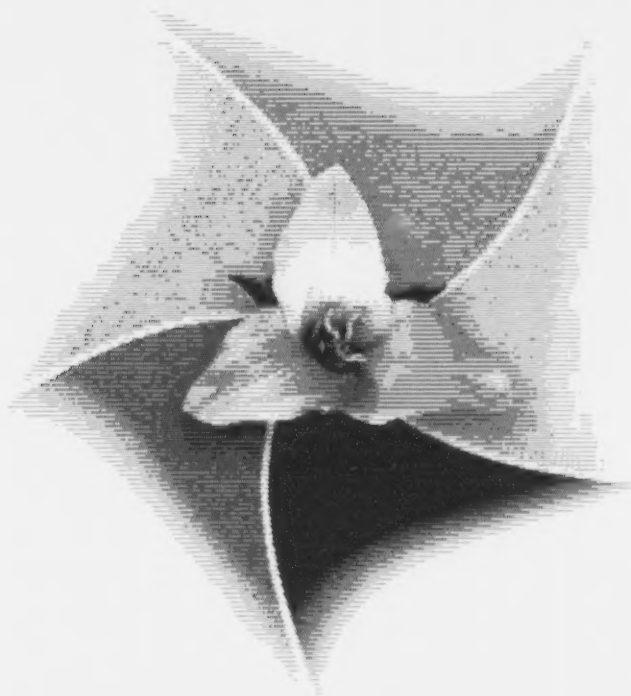


Office of the Integrity Commissioner

ANNUAL REPORT

2008 – 2009



ONTARIO

20TH ANNIVERSARY

Copies of this and other Ontario Government publications are available at 777 Bay Street, Toronto, ON M5G 2C8 or ServiceOntario, 110 Laurier Ave N., Ottawa, ON K1P 1J1. Other out-of-town customers may write to: Publications Ontario, 50 Grosvenor Street, Toronto, ON M7A 1N8. Telephone 416 326-5300, or toll-free in Ontario 1-800-668-9938. For Ottawa and surrounding areas, ServiceOntario can be reached at 613 238-3630 or toll-free in Ontario at 1-800-268-8758, Fax 613 566-2234. Hearing-impaired customers may call toll-free in Ontario 1-800-268-7095. Visa and Mastercard are accepted.

ISSN 1918-0357 (Bilingual Print)

**OFFICE OF THE INTEGRITY COMMISSIONER
ANNUAL REPORT 2008 - 2009
TABLE OF CONTENTS**

Commissioner's Remarks	1
Financial Information	5

MPP INTEGRITY

A. Overview	7
B. Disclosure Statements	7
C. Statistics	8
D. Selected Inquiries under Section 28	9
E. Referred Questions	19

MINISTERS' STAFF – ETHICAL CONDUCT

A. Overview	21
B. Inquiries	22
C. Ministers' Staff Statistics	26

EXPENSES REVIEW AND ACCOUNTABILITY

A. Overview	28
B. Process	28
C. Commissioner's Report	29

ONTARIO PUBLIC SERVICE – DISCLOSURE OF WRONGDOING

A. Overview of Role of the Integrity Commissioner in the Disclosure of Wrongdoing Framework	31
B. Report on Activity	32

LOBBYISTS REGISTRATION

A. Overview	38
B. Statistics	38

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Office of the Integrity Commissioner

Bureau du commissaire à l'intégrité

July 13, 2009

The Honourable Steve Peters
Speaker of the Legislative Assembly
Room 180, Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2

Dear Mr. Speaker:

It is an honour to present the Annual Report of the Office of the Integrity Commissioner for the period April 1, 2008 to March 31, 2009, marking the Office's 20th Anniversary.

This Report is submitted pursuant to section 24 of the *Members' Integrity Act, 1994*, and section 10 of the *Lobbyists Registration Act, 1998*.

Yours very truly,

A handwritten signature in cursive script, reading "Lynn Morrison".

Lynn Morrison
Acting Integrity Commissioner

COMMISSIONER'S REMARKS



LYNN MORRISON

This is my second Annual Report submitted to the Speaker of the Legislative Assembly as Acting Integrity Commissioner and it is with this Report that I am very proud to celebrate the 20th year of operation of this Office. To commemorate this milestone, I have included some of the history of this Office in my remarks. As I had the honour and pleasure to work with all Commissioners since the Office was established, I may be in a position to provide a unique perspective on the history.

Before taking a look back, I would like to take this opportunity to acknowledge the invaluable contribution of the members of my staff: Claire Allen, Supervisor, Office Operations; Kim Fryer-Ellis, my Assistant; Tracey Berwick, Office Assistant; Valerie Jepson, Counsel; Dollis Pegus, Intake Officer, Disclosure of Wrongdoing; Charlie Hastings, Systems Administrator, who retired after 10 years of service; and Michael Li, our new Systems Administrator. I am grateful to all of them for their continuing support, hard work and dedication.

TAKING A LOOK BACK

MEMBERS' CONFLICT OF INTEREST ACT, 1988

On September 1, 1988, *An Act Respecting Conflicts of Interest of Members of the Assembly and the Executive Council* (the "Members' Conflict of Interest Act, 1988") was proclaimed.

The Honourable Gregory T. Evans was appointed the first Commissioner, and in his first Annual Report in 1990, he described the responsibilities of the Commissioner as follows:

...to advise, investigate, educate and administer an ethical code of conduct for all members of the Legislature. The establishment of the office may be viewed as a significant step in reassuring the electorate of the integrity of the Legislature and of the Government in an effort to improve and maintain public confidence in our system of government.

The office is a decision making tribunal. The purpose is to assist the members of the Legislature in keeping the public interest in the forefront against which the individual member's right must be weighed.

There were a number of significant changes throughout the years under the leadership of Commissioner Evans, followed by The Honourable Robert C. Rutherford from December 1, 1997 to March 4, 2001, and The Honourable Coulter A. Osborne from September 17, 2001 to July 31, 2007, which included the gradual increase of jurisdiction; however, the goals promoted by Commissioner Evans in 1990 remain fundamental to the operation of the office in 2009.

MEMBERS' INTEGRITY ACT, 1994

For seven years, the office operated under the jurisdiction of the *Members' Conflict of Interest Act, 1988*. As the first province to enact such legislation, it was inevitable that there would be need for improvement and in 1995, the *Members' Integrity Act, 1994* (the "Act") was proclaimed — the first significant change to the Commissioner's mandate. Prior to its passage into law, Commissioner Evans and I worked closely with a designate from each political party to arrive at consensus on significant statutory amendments, including the change of the title to "Integrity Commissioner".

The change in the name from Conflict of Interest Commissioner to Integrity Commissioner was to better express the purpose of the *Act*. As Commissioner Evans reported in June 1996:

Conflict of interest is generally viewed as a concern for a member's honesty, when private interests of a member and their official duties are in conflict. While honesty is a virtue which should be practiced in public life, it is not the same as the virtue of integrity. The latter is much more comprehensive and includes honesty, together with worthiness, respect and an expectation that a promise made will be kept, absent some factor or circumstances beyond the control of the promiser. In political life, as in every day life, integrity and self interest frequently coincide and no problem arises in making a decision or in taking some action. But, when they intersect and are in conflict their paths diverge and that is when our personal integrity is really tested.

The *Members' Integrity Act, 1994* provides MPPs with the ability to obtain guidance and direction in the form of opinions when integrity and personal interests intersect. It has been my observation that MPPs find the resource helpful and necessary, and the statistics support my observation.

In the first Annual Report, it was reported that 63 inquiries were received from MPPs. This year, we received 360 inquiries from MPPs, and over the years, the Office has responded to a total of 5,392 inquiries. This is a significant indication that Members are

being proactive by seeking guidance before acting, and I believe this has kept the number of formal complaints under section 30 of the *Act* low.

The last three Annual Reports have reported on potential amendments to the *Members' Integrity Act, 1994*. As of the writing of this Annual Report, I am encouraged that the suggested amendments are now being addressed.

LOBBYISTS REGISTRATION ACT, 1998

On January 15, 1999, the *Lobbyists Registration Act, 1998* was proclaimed, appointing the Integrity Commissioner as Lobbyist Registrar. This legislation provides a registration system to enable the public, public office holders and lobbyists the ability to transparently know who is lobbying whom in government about what. In the first 14 months of operation, the Lobbyist Registry reported 684 active registrations and 297 inactive (terminated) registrations. As of March 31, 2009, the Registry reported 1,853 active registrations and 5,951 inactive (terminated) registrations.

The registration system is a clear acknowledgement that lobbying is a legitimate part of the policy-making process in Ontario. I continue to be impressed with the enthusiasm with which lobbyists seek to comply with the legislation.

CABINET MINISTERS' AND OPPOSITION LEADERS' EXPENSES REVIEW AND ACCOUNTABILITY ACT, 2002

The *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002* (the "*Expenses Act*") received Royal Assent on December 13, 2002, and provided for the Integrity Commissioner to review and report on expense claims pertaining to the travel, meal, hospitality and accommodation expenses of Cabinet Ministers, Parliamentary Assistants, Opposition leaders and their staffs to determine whether the expenses are allowable under the *Expenses Act*.

I am pleased to report that all requests for reimbursements were promptly complied with and all other expense claims were allowable.

PUBLIC SERVICE OF ONTARIO ACT, 2006

With the proclamation of the *Public Service of Ontario Act, 2006* (the "*PSOA*") on August 20, 2007, the Integrity Commissioner assumed the responsibility for two new mandates.

First, the *PSOA* provides for conflict of interest rules for public servants who work in a Minister's office and for former public servants who worked in a Minister's office. While Ministers remain responsible for the conduct of their staff, the Integrity Commissioner is the Ethics Executive providing advice and direction to staff in relation to ethical conduct and political activity. The work is similar to the work under the *Members' Integrity Act, 1994* and it is a natural fit.

We have worked hard to raise our profile among Ministers' staff and I am pleased to report that in the past year our Office dealt with 108 inquiries from public servants (including former public servants). This mandate intersects appropriately with my role as

Lobbyist Registrar as I am well positioned to monitor the so-called revolving door. I can report that the Ministers' staff I have met who seek to engage in lobbying are respectful of their post-employment obligations and often continue to seek advice many months after leaving service with the Crown.

Second, Part VI of the *PSOA* establishes a framework for disclosing wrongdoing in the Ontario Public Service. The Integrity Commissioner's role under the framework is to confidentially receive and deal with serious allegations of wrongdoing from Ontario public servants.

It is my view that this legislation creates a significant incentive on the Ethics Executives (i.e. deputy ministers and public body chairs) who are responsible for ensuring that public servants are informed about the procedure for disclosing wrongdoing and about protections from reprisals. It is important to ensure that potential wrongdoings are brought to the attention of those who can best deal with the situation, the Ethics Executives — whether the circumstances reach the threshold of "wrongdoing" or not, thus avoiding an investigation by this Office and more important, fostering a culture of trust and transparency within the public service.

There is no question — the more confident public servants are with the internal process, the less busy my office will be. However, I provide an oversight function necessary to ensure the underlying system is well-functioning.

TAKING A LOOK AHEAD

The various roles of the Integrity Commissioner have a common theme of integrity, openness and transparency, and in my view all of the mandates work toward the same goal described by Commissioner Evans in 1988 — to assist with maintaining public confidence in our Government.

Over the years, it has been my observation that our stakeholders, whether they are MPPs, public office holders or lobbyists, are in public life for the right reasons. They have an important responsibility and the public should have confidence that they are doing their best to adhere to the high values of Government and ethical standards which have been established through the above-mentioned legislative measures.

In order to promote these values and ethics, I believe ongoing education seminars are essential to ensure ongoing compliance with applicable rules or codes of conduct — their main purpose being to inform, educate, communicate and encourage ethical behaviour by reinforcing that an ethical culture — a culture of right doing — is what serves the public interest and most meaningfully enhances the public's confidence in Government. This Office has a role to play in raising awareness and helping to support a culture of right-doing and it is my goal to provide more outreach to our stakeholders in the year ahead.

FINANCIAL INFORMATION

2008/2009 STATEMENT OF EXPENDITURES

Salaries and Benefits	\$718,576.00
Transportation and Communication	\$52,542.00
Services	\$302,444.00
Supplies and Equipment	<u>\$32,694.00</u>
	<u>\$1,106,256.00</u>

PUBLIC SECTOR SALARY DISCLOSURE ACT, 1996

This statement is provided under the *Public Sector Salary Disclosure Act, 1996*.

<u>Employee</u>	<u>Payment</u>	<u>Taxable Benefits</u>
Lynn Morrison Acting Integrity Commissioner	\$155,324.52	\$282.84
Valerie Jepson Counsel	\$126,872.02	\$230.60

Note: The Office of the Integrity Commissioner's fiscal year begins April 1 and ends March 31.

The expenditures of the Office of the Integrity Commissioner are audited on an annual basis by the Office of the Auditor General of Ontario.

MPP INTEGRITY

A. OVERVIEW

The primary objective of the *Members' Integrity Act, 1994* is to provide greater certainty in the reconciliation of the private interests of members of provincial parliament (MPPs) and their public duties so that they may discharge their public duties in a manner that demonstrates their impartiality and that will confirm public confidence in their individual integrity and promote respect and confidence in the legislature.

The Integrity Commissioner, as an Officer of the Legislative Assembly, reports through the Speaker to the House, and does not report to the Government or through a Minister. This independence is essential to the operation of the Office and the discharge of the Integrity Commissioner's responsibilities under the *Members' Integrity Act, 1994*.

The Integrity Commissioner is specifically charged with carrying out the following responsibilities:

- advising MPPs on how the *Members' Integrity Act, 1994* affects them on a day-to-day basis;
- overseeing and monitoring the required private disclosure of financial interests by MPPs;
- preparing public disclosure statements regarding MPPs' financial interests; and
- providing opinions and, if warranted, conducting inquiries into alleged violations of the *Members' Integrity Act, 1994* when raised by an MPP, the Legislative Assembly or the Cabinet.

B. DISCLOSURE STATEMENTS

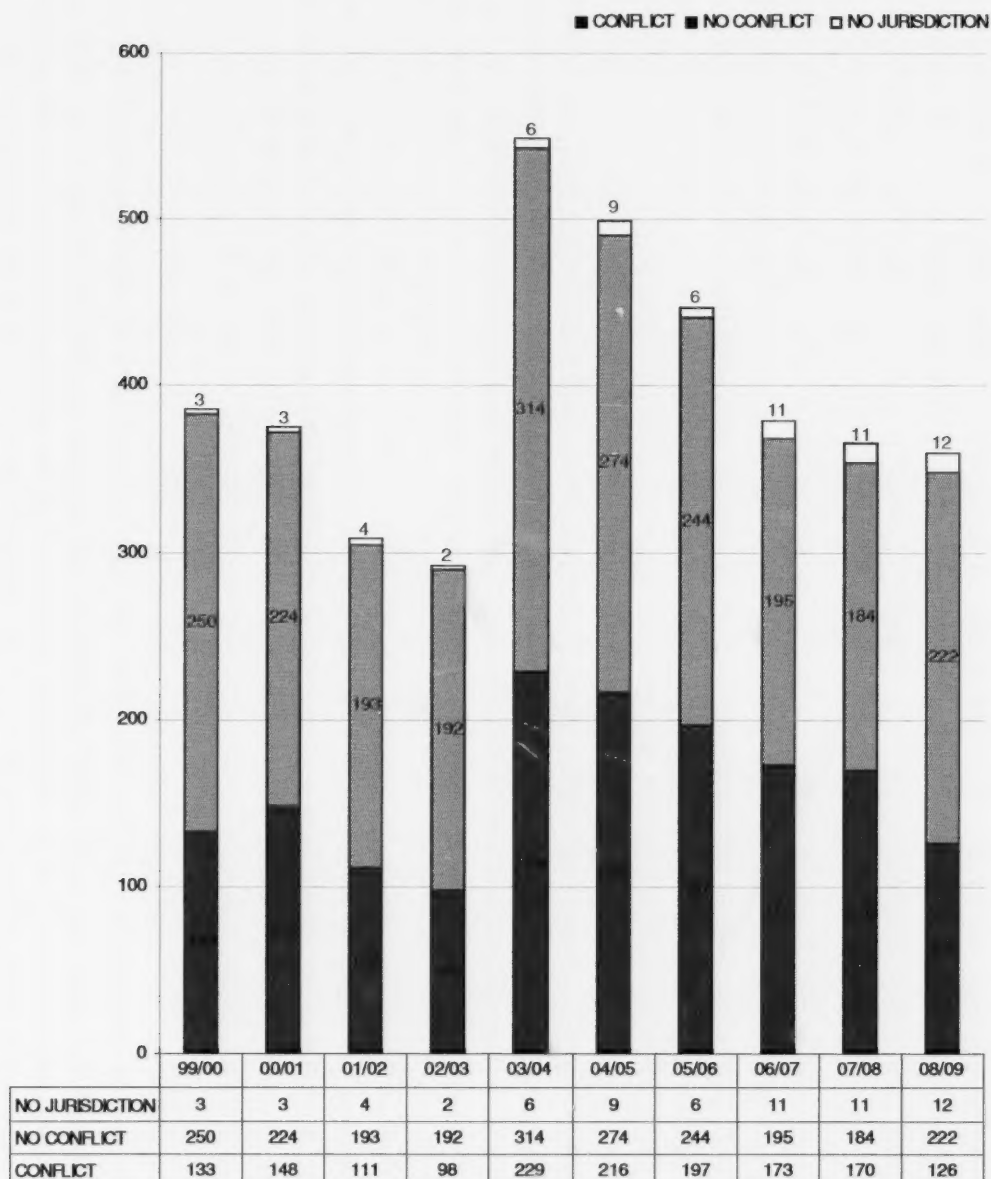
On February 3, 2009, 107 public disclosure statements were filed with the Clerk of the Legislative Assembly in accordance with section 21(6) of the *Members' Integrity Act, 1994*. All MPPs were in compliance with the provisions of the *Act*.

The public disclosure statements are available for examination by the public on our website at www.oico.on.ca. In addition, copies are available through the Clerk of the Legislative Assembly, Room 104, Legislative Building, Queen's Park, Toronto.

MPPs have the option of filing private disclosure statements manually or electronically. This year, 52% of the members filed online — an increase from 43% in the past fiscal year. We continue to encourage all MPPs to consider filing electronically.

C. STATISTICS

10-Year Historical Comparison of Inquiries under Section 28 of the *Members' Integrity Act, 1994*



**Inquiries under Section 28 of the *Members' Integrity Act, 1994*
Received April 1, 2008 to March 31, 2009**

Received From	Number Received	Conflict	No Conflict	No Jurisdiction
Member	348	124	212	12
Family	8	1	7	0
Trustee	4	1	3	0
Caucus	0	0	0	0
Executive Council	0	0	0	0
Committee	0	0	0	0
Former Minister	0	0	0	0
TOTAL	360	126	222	12

D. SELECTED INQUIRIES UNDER SECTION 28

The following summary of selected example inquiries reflects advice provided by the Commissioner in the past fiscal year. These examples are not exhaustive and are abbreviated. The summaries are intended to raise the awareness of members and their staff, with the expectation that this Office will be contacted for advice and guidance when such issues arise. Each inquiry is based on its own disclosed facts, and the opinion issued is based on those facts.

INQUIRY N° 1

Issue:

A school has denied a constituent access to his children at the school and is seeking the MPP's assistance to obtain the access as set out in a court order.

Opinion:

As the authority to enforce a court order lies with the courts, there is nothing the MPP can do to be of assistance. Any involvement by the MPP may be interpreted as an attempt to interfere with and/or influence the legal process, contrary to the *Members' Integrity Act, 1994*.

INQUIRY N° 2

Issue:

A constituent company asked that an MPP suggest organizations for it to contact for the purpose of seeking speaking engagements for marketing purposes.

Opinion:

It is an inappropriate use of the constituency office to recommend organizations as potential clients for this constituent company, and it may also be interpreted as showing favouritism to one local business over another.

INQUIRY N° 3

Issue:

An MPP has been asked to commission a document. Can the MPP sign it as a Commissioner for Taking Affidavits?

Opinion:

Section 1 of the *Commissioners for Taking Affidavits Act* specifically provides that by virtue of the office of a member of the Legislative Assembly, an MPP is a commissioner for taking affidavits. However, the Ministry of the Attorney General has issued "Guidelines for MPP Offices — Commissioners for Taking Affidavits."

The Guidelines state, in part:

- MPPs are authorized to take affidavits in connection with the business of their constituency offices. This responsibility may involve the commissioning of government forms on behalf of constituents. Such documents may include applications for social assistance and the certification of lost driver's licenses, health cards, etc.
- The authority of appointed MPP staff is restricted geographically to the riding and must involve work associated with the business of the constituency office. An appointment authorizes an individual to do only those things specified in the appointment.
- MPP office staff should not commission any documents on behalf of their constituents relating to court or tribunal proceedings, including matters related to wills, family law, estates and trusts, powers of attorney, immigration, real estate matters and passports.

Inquiries about appropriate activities should be made to the Legal Appointments Office at the Ministry of the Attorney General.

INQUIRY N° 4

Issue:

An MPP/Minister inquired as to the appropriateness of writing to the chair of a legislative committee supporting a private member's bill.

Opinion:

As the legislative committee process is open and transparent, the MPP/Minister is entitled to write a letter in support of the private member's bill on the condition that the letter is

prepared on MPP stationery. In the alternative, the member may wish to consider contacting the responsible Minister directly to express support.

INQUIRY N° 5

Issue:

A constituent is seeking assistance from an MPP/Minister with respect to a matter before the Assessment Review Board.

Opinion:

Parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission. There is no way that their actions or those of their staff — whether verbal or written, and whether in the member's position as an elected member of the legislature or as a Minister — can be considered by the recipient as other than actions by a Minister, and thus could reasonably be considered as attempting to influence a decision, contrary to the *Members' Integrity Act, 1994*.

Any member, including a Minister or staff person, is entitled to make inquiries of any government agency, board, commission, or department for information with respect to the status of a matter and the policies and procedures of that agency, board or commission. In this case, the MPP may wish to consider obtaining as much information and documentation as possible from the constituent and then making inquiries as to the status of the matter and the policies and procedures. Information gathering does not place the member in conflict under the Act.

INQUIRY N° 6

Issue:

An MPP received a permissible gift to a fundraising dinner, and the ticket price was \$400. The dinner cost was \$50, and the remaining \$350 was considered a charitable donation. Ticket purchasers were provided with income tax receipts for \$350. The MPP did not receive an income tax receipt, as he did not purchase the ticket. An MPP should file a Statement of Gifts and Benefits when the value is in excess of \$200. In light of the true value of the dinner, is it necessary to declare the ticket as a benefit when the value of the dinner is only \$50?

Opinion:

The cost for a member of the public to attend was \$400, and in the interests of openness and transparency, the MPP should file a Statement of Gifts and Benefits.

INQUIRY N° 7

Issue:

An MPP/Minister has been asked to provide a personal letter of support with respect to a nomination for the Order of Canada and the Order of Ontario.

Opinion:

The Order of Ontario appointments are determined by the Ontario Cabinet, and as a member of Cabinet, the Minister is entitled to speak to the matter at the Cabinet table on the condition that a letter of support has not been provided.

As for the Order of Canada, the Minister is entitled to write a personal letter of support, since the letter would go to a federal agency.

INQUIRY N° 8

Issue:

An MPP/Minister has been asked to get involved in a dispute between a condominium board and a tenant by writing a letter to the condominium board. The tenant, a constituent, has legal representation.

Opinion:

Making representations to a condominium board is not an appropriate use of a constituency office. Further, the tenant is represented by a lawyer, and it is the lawyer's responsibility to take the steps necessary to represent his client. Any action by the MPP may be interpreted as an attempt to interfere with and/or influence the process, contrary to the *Members' Integrity Act, 1994*.

INQUIRY N° 9

Issue:

An MPP met with a constituent who was seeking help in finding employment for her son, and the MPP advised that the constituency office would assist in connecting her to employment centres that could provide this assistance. However, the constituent was of the opinion that the MPP indicated the constituent would be connected to employers directly.

Opinion:

Providing a constituent with information regarding employment centres is considered one of the responsibilities of an MPP; however, the Preamble to the *Members' Integrity Act, 1994* states, in part:

Members are expected to act with integrity and impartiality that will bear the closest scrutiny.

Connecting a constituent to employers directly is an inappropriate use of the MPP's office, as it may be interpreted as favouritism not only to the constituent but also to potential employers.

INQUIRY Nº 10

Issue:

An MPP inquired as to the appropriateness of donating a gift received after giving a speech.

Opinion:

Donating gifts received under these circumstances is acceptable on the following conditions:

- [1] the original receipt of the gift is appropriate in accordance with section 6 of the *Members' Integrity Act, 1994*;
- [2] a Statement of Gifts and Benefits is filed, if the value of the gift exceeds \$200;
and
- [3] an official tax receipt is not accepted by the MPP.

INQUIRY Nº 11

Issue:

Can an MPP/Minister have a petition available in the constituency office for signature by constituents?

Opinion:

Petitions are a constituency matter, and having a petition available in the constituency office for constituents to sign is considered an acceptable activity under section 5 of the *Members' Integrity Act, 1994*. However, the Minister must ask another MPP who is not a member of Cabinet to present the petition in the Legislative Assembly.

INQUIRY Nº 12

Issue:

A volunteer constituent on a board of directors of a local club inquired as to the use of an MPP/Minister's name as a reference on a grant application directed to the Trillium Foundation. Before receiving a response from the Minister, the constituent proceeded with the application using the Minister's name.

A staff person from the local club immediately contacted the MPP/Minister as soon as it was noticed that the Minister's name was used, and the MPP/Minister immediately contacted the Integrity Commissioner seeking guidance.

Opinion:

Parliamentary convention prohibits all Ministers from personally appearing or advocating on behalf of a private party with any agency, board or commission — in this case, the Trillium Foundation. Ministers always wear the cloak of ministerial responsibility, and there is no way that their actions or those of their staff — whether verbal or written, and whether in the member's position as an elected member of the legislature or as a Minister — can be considered by the recipient as other than actions by a Minister, and thus could reasonably be considered as attempting to influence a decision, contrary to the *Members'*

Integrity Act, 1994. Further, the action taken by the local club was inappropriate, as they did not have authorization to use the MPP/Minister's name.

The Integrity Commissioner recommended that:

- [1] the MPP/Minister advise the Trillium Foundation that the club did not have authorization to submit an application using the MPP/Minister's name; and
- [2] the MPP/Minister write to the club confirming that the club did not have authorization to use the MPP/Minister's name and advising that the Trillium Foundation had been advised to withdraw the name as a reference.

The constituency assistant and MPP/Minister, in good faith, informed the Integrity Commissioner at the earliest opportunity, and by taking the above steps, the MPP/Minister has taken all the steps necessary to adhere to Ontario parliamentary convention.

INQUIRY N° 13

Issue:

An MPP/Minister was asked to meet with a union in the riding to discuss its grievances with an employer.

Opinion:

Engaging in labour relations is not a constituency office activity. There is nothing the MPP can do to be of assistance, and any involvement may be interpreted as an attempt to interfere with and/or influence the grievance procedure between the union and the employer.

INQUIRY N° 14

Issue:

An MPP/Minister was asked by a non-profit organization to use the MPP's name, image and a quote for a fundraising brochure. Can the MPP permit this?

Opinion:

Participating in charitable activities is permissible on the following conditions:

- [1] the involvement is for a charitable organization or a benevolent cause;
- [2] the participation is done in a reasonable manner and without undue influence, and with respect to this issue, the MPP should ensure that the purpose of the fundraising event is the main message and not the MPP's name, picture and quote;
- [3] the MPP/Minister does not seek to further any private interest that could conflict with his or her duties as a member of the Assembly or the Executive Council;
- [4] the MPP/Minister is not in a position to confer or deny a benefit to any donors; and
- [5] there is no expectation on the part of the organization for something in return.

MPPs must bear in mind that they represent all constituents and organizations in the riding, and every effort must be made to avoid the suggestion that the MPP/Minister is favouring one organization over another.

INQUIRY N° 15

Issue:

Can a Minister in the role as MPP provide a "Lunch or Coffee with the MPP" as a silent auction item at a community fundraising event?

Opinion:

A Minister offering lunch or coffee in this situation sets up a potential for a conflict of interest if the recipient of the lunch or coffee is a ministry stakeholder. If steps are taken to restrict bidders who are ministry stakeholders, participating in the silent auction does not violate the *Members' Integrity Act, 1994*.

INQUIRY N° 16

Issue:

An MPP has been offered a free parking pass at the local airport. Is it appropriate to accept the pass?

Opinion:

Section 6 of the *Members' Integrity Act, 1994* states:

A member of the Assembly shall not accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office.

(2) Subsection (1) does not apply to:

(a) compensation authorized by law;

(b) a gift or personal benefit that is received as an incident of the protocol, customs or social obligations that normally accompany the responsibilities of office.

Acceptance of the pass is not considered an incident of protocol, customs or social obligations that normally accompany the responsibilities of office, and therefore the acceptance would be a violation of the *Members' Integrity Act, 1994*.

INQUIRY N° 17

Issue:

A constituent is having some issues with a government agency, and a conference call has been arranged with various parties. However, the constituent has only a cell phone and

has asked if the local MPP would facilitate the conference call in the constituency office. The MPP has some concerns as to the extent of their involvement.

Opinion:

The constituency office provides a resource to assist constituents where possible and appropriate, and given the work the member has done with the constituent to date, assisting with this conference call can be considered one of the MPP's responsibilities of office. If there is a concern with respect to the perception of the other parties, the MPP may consider one of the following options:

- [1] arrange the conference call in the MPP's office, and advise the other parties that the MPP will be present only as an observer; or
- [2] set up the conference call in the MPP's office, and advise the other parties that the call is being facilitated by the MPP; however, the MPP will not be present during the call.

INQUIRY N° 18

Issue:

An MPP received golf club passes from the constituency office landlord. Can the MPP keep the passes?

Opinion:

The golf passes should be returned, as the constituency office landlord has a connection with the MPP being able to perform the duties of an MPP. Accepting the passes may set up an expectation of something in return, such as a renewal of the lease. In addition, accepting the passes has nothing to do with the MPP's responsibilities of office.

INQUIRY N° 19

Issue:

A constituency assistant would like to work for a candidate in the municipal election, and such work would be conducted after hours and without using government resources.

Opinion

Working for a candidate in a municipal election is acceptable on the following conditions:

- [1] such work does not interfere with the constituency assistant's responsibilities in the constituency office;
- [2] constituency office resources are not used; and
- [3] the MPP is aware of and agrees with such participation.

INQUIRY N° 20

Issue:

An MPP advised that constituency office resources had recently been used for the purposes of sending thank-you cards for a political fundraiser, and the matter had just come to the MPP's attention. Resources were used on a handful of letters on constituency letterhead, as well as staff time; however, no postage was used from the constituency office's global budget.

Opinion:

As noted in the *Guide to Members' Allowances and Services and Members' Support and Caucus Staff*,

Members may not print or mail, at the expense of the Assembly, any material of a partisan, political or personal nature.

The MPP identified that the actions taken by the constituency office were inappropriate and would not occur again. The fundraiser was a political activity that should have been handled entirely by the Riding Association. The business and resources of the constituency office, the Queen's Park office and the Riding Association must always be kept separate.

Since there were only a handful of letters on constituency letterhead and no postage utilized from the global budget, and as the MPP advised the Integrity Commissioner at the earliest opportunity upon learning of the actions taken by the constituency office, no reimbursement was recommended on the condition that the MPP ensured it will not occur again.

INQUIRY N° 21

Issue:

An MPP is interested in supporting a local school in an effort to raise funds for a trip to another province for an exchange program. Can the MPP write letters on MPP stationery soliciting funds for the school?

Opinion:

Using the constituency office resources to solicit funds for a private entity is an inappropriate use of the MPP's position and the constituency office. In addition, such action may be interpreted as favouring one school over others in the MPP's constituency.

INQUIRY N° 22

Issue:

A Minister will be speaking at an event, and the organizers would like to make a donation to a charity in the Minister's name.

Opinion:

It is inappropriate for a donation to be made in the Minister's name, as such contribution would constitute an inappropriate personal benefit in the form of a charitable tax receipt. The organization can make a donation on its own behalf and advise the Minister the donation had been made. However, it is acceptable for the Minister to suggest the name of a charity.

INQUIRY N° 23

Issue:

A charity has dropped off a "chocolate bar box" at the MPP's constituency office, with the intention that the chocolate bars be sold on an honour system and the proceeds would go to the charity. Is this appropriate?

Opinion:

It is inappropriate for a constituency office to solicit or handle cash on behalf of a charity. Although the chocolate bars are to be sold on an honour system, the constituency office will not want to be held responsible if the money or chocolate bars go missing. In addition, the MPP may be accused of favouring one charity over another.

E. REFERRED QUESTIONS

Section 30 of the *Members' Integrity Act, 1994* allows MPPs who have reasonable and probable grounds to believe that another MPP has contravened the Act or Ontario parliamentary convention to request the Commissioner provide an opinion about the matter.

During the reporting period of this Annual Report, the following inquiry under section 30 was received and a report was issued by the Commissioner. The complete text is available on our website at www.oico.on.ca under "Reports," and a copy is available upon request.

- [1] Report regarding an inquiry from Liz Sandals, Member for Guelph, with respect to the content of the website of Ted Chudleigh, Member for Halton, and whether he breached parliamentary convention contrary to the *Members' Integrity Act, 1994*, dated December 11, 2008.

MINISTERS'
STAFF—
ETHICAL
CONDUCT

A. OVERVIEW

The Integrity Commissioner is the Ethics Executive for Ministers' staff. Ministers' staff do not form part of the traditional public service. Their appointments are made by the Government, and they fulfill roles ranging from chiefs of staff to ministerial drivers. Under the *Public Service of Ontario Act* (the "PSOA"), Ministers are responsible for ensuring that their staff are familiar with the conflict of interest rules and for promoting ethical conduct among their staff.

The Integrity Commissioner provides advice and direction to Ministers' staff on conflict of interest, political activity and post-employment issues, not unlike the Integrity Commissioner's responsibilities with respect to MPPs. Each case requires an independent assessment, and as a result, Ministers' staff are encouraged to contact this Office for advice.

The ethical conduct framework is set out in Ontario Regulation 382/07, *Conflict of Interest Rules for Public Servants (Ministers' Offices) and Former Public Servants (Ministers' Offices)* (the "*Conflict of Interest Rules*"), and sections 66 to 69 of the *PSOA*. The political activity rules are set out in sections 94 to 98 of the *PSOA*.

A Minister's staff member is required to notify the Integrity Commissioner if he or she has a personal or pecuniary interest that could raise an issue under the *Conflict of Interest Rules* or if their political activities could conflict with the interests of the Crown. Ministers' staff are required to follow the directions issued by the Integrity Commissioner.

B. INQUIRIES

The following inquiries represent a selection of anonymized versions received during the reporting period. These examples are not exhaustive and are abbreviated. The summaries are intended to provide a sense of the type of inquiries that we receive.

In addition, the summaries will help Ministers' staff to determine when they should contact this Office. The Commissioner's directions are provided on the basis of specific facts, and it is expected that Ministers' staff will contact this Office for specific advice and guidance when similar issues arise.

All references made to "public servant" in the following inquiries refer to public servants in Ministers' offices.

INQUIRY N° 1

Issue:

A former public servant who left the Crown four months ago is now employed with a stakeholder to the former public servant's ministry. The former public servant would like to accompany colleagues to attend an information meeting with the former ministry as an observer for educational purposes. The former public servant is aware of the lobbying restriction and assures the Commissioner that no communications with an attempt to influence will occur.

Determination/Direction:

The former public servant is prohibited from lobbying the former Minister, the office of the former Minister and any public servant in the former ministry for a period of 12 months following the termination of employment with the Crown.

It is the Commissioner's direction that the former public servant should not attend the meeting with the former ministry. Although the purpose of the meeting is not to lobby the ministry, the former public servant is not able to control the content/direction of the meeting, he/she must therefore exercise caution during the cooling-off period to ensure the lobbying restriction is respected.

INQUIRY N° 2

Issue:

A public servant who was employed by two different ministries in the previous 12 months is leaving the Crown. What are the public servant's lobbying restrictions?

Determination/Direction:

The public servant is restricted from lobbying both ministries for a period of 12 months after the public servant's departure from the Crown. The lobbying restriction captures any ministry in which the public servant was employed in the 12 months preceding the

public servant's departure date, and the lobbying restriction is applied for a period of 12 months on a going-forward basis.

INQUIRY N° 3

Issue:

A public servant has been offered NFL box tickets by a government-wide stakeholder. Can the public servant accept the tickets?

Determination/Direction:

Section 4 (1) of the *Conflict of Interest Rules* states:

A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:

1. A person, group or entity that has dealings with the Crown.
2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.
3. A person, group or entity that seeks to do business with the Crown. O. Reg. 382/07, s. 4 (1).

A reasonable person may conclude that accepting the football tickets could influence the public servant when performing his or her duties to the Crown. Although the donor of the tickets may not have direct dealings with the public servant's specific ministry, the donor has dealings with the Crown and is therefore an entity from which the public servant cannot accept a gift or benefit.

Section 4 (2) states:

(2) Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances. O. Reg. 382/07, s. 4 (2).

The NFL box tickets are not of nominal value, and attending the football game is not related to the public servant's duties and responsibilities and therefore could not be considered an expression of courtesy or hospitality. The public servant must decline the football tickets.

INQUIRY N° 4

Issue:

A public servant inquired as to his/her obligations with respect to investments and financial disclosure.

Determination/Direction:

Section 69 (3) of the *PSOA* states:

If a public servant or a former public servant who works or, immediately before ceasing to be a public servant, worked in a minister's office has personal or pecuniary interests that could raise an issue under the conflict of interest rules that apply to him or her, the public servant or former public servant shall notify his or her ethics executive.

A public servant who holds investments that could potentially conflict with his or her work with the Crown is required to notify the Integrity Commissioner (the public servant's Ethics Executive) to obtain advice and direction. Pursuant to section 3 of the *Conflict of Interest Rules*, a public servant cannot use or attempt to use his or her employment by the Crown to directly or indirectly benefit himself or herself.

In addition, public servants who "routinely work on a matter that might involve the private sector" are required to make a financial declaration to the Integrity Commissioner. A public servant will be notified by the Premier's Office if they are required to make such a declaration.

INQUIRY N° 5

Issue:

Former public servants are restricted from lobbying their former ministry for a period of 12 months. Does the lobbying restriction apply to public bodies that fall under the ministry's jurisdiction?

Determination/Direction:

Former public servants are not restricted from lobbying public bodies that fall under their former ministry's jurisdiction; however, former public servants must comply with their obligation not to seek preferential treatment or privileged access to any public body. It is the Integrity Commissioner's direction that former public servants must exercise caution when lobbying a public body that falls under their former ministry's jurisdiction. Out of an abundance of caution, the public servant should obtain prior advice from this Office.

INQUIRY N° 6

Issue:

Is it appropriate for a public servant to sit on the board of directors of a not-for-profit organization that is not a stakeholder to the public servant's ministry?

Determination/Direction:

It is acceptable for the public servant to sit on the board of directors under the following conditions:

- [1] the Minister is advised of the public servant's board membership, and the Minister approves;
- [2] the public servant excuses himself/herself from any board discussions regarding provincial government funding or any other issue that could potentially conflict with the public servant's ministry work; and
- [3] the public servant does not use any government resources, including time, for board activities.

INQUIRY N° 7

Issue:

A public servant is invited to attend a conference outside of Canada that convenes professionals from diverse industries and backgrounds. Travel and attendance at the conference is funded by a non-profit entity that is not a government stakeholder. The public servant advised that his/her employment in the public service was a factor in his/her favour in qualifying him/her as a funded conference attendee. Can the public servant accept the invitation?

Determination/Direction:

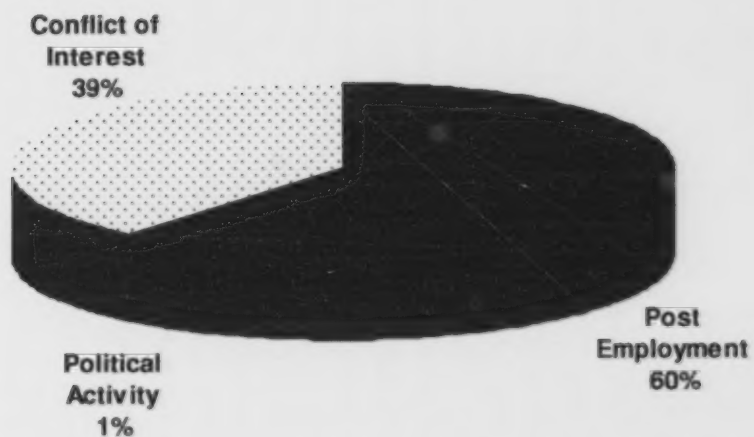
Accepting the invitation to attend the conference does not place the public servant in a conflict of interest, as the not-for-profit entity is not a government stakeholder and the public servant does not have dealings with them when performing duties with the Crown. It is recommended that the public servant inform the Minister of his/her plans to attend the conference.

C. MINISTERS' STAFF STATISTICS

Ministers' Staff Inquiries

April 1, 2008 to March 31, 2009

Total Inquiries: 108



EXPENSES REVIEW
AND
ACCOUNTABILITY

A. OVERVIEW

The *Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002* (the "*Expenses Act*") provides authority for the Integrity Commissioner to review and report on expense claims pertaining to the travel, meal, hospitality and accommodation expenses of Cabinet Ministers, parliamentary assistants, Opposition leaders and their staffs to determine whether those expenses are allowable expenses.

For government claimants, expenses incurred in the performance of ministerial functions are reviewable if a claim was made for payment of the expense out of the Consolidated Revenue Fund. For Opposition leaders and their staff, expenses incurred for travel, meal, hospitality and accommodation are reviewable if a claim was made for payment of the expense out of the Legislative Assembly Fund. A claim for payment pertaining to caucus-related or constituency work as a member of the Assembly is not governed by the *Expenses Act*.

An "allowable expense" is one that is reasonable and appropriate in circumstances that meet the standards set out in the applicable *Rules Governing the Expenses of Cabinet Ministers, Opposition Leaders and Other Persons* (the "*Rules*"), which can be found on the Office of the Integrity Commissioner's website at www.oico.on.ca.

B. PROCESS

Once paid out of the Consolidated Revenue Fund, ministerial expense claims are submitted to the Office of the Integrity Commissioner for review on a monthly basis.

Once paid out of the Legislative Assembly Fund, Opposition leaders' and their staffs' claims are submitted to the Office of the Integrity Commissioner for review on a quarterly basis.

All expense claims are reviewed. If the claim is not in order, a Report of Exception may be issued by this Office requesting further clarification. Reports of Exception are forwarded to the appropriate Minister or Opposition leader's office.

If an expense does not fall within the parameters set out in the *Expenses Act* or the *Rules*, or if the explanation received is not acceptable, the Integrity Commissioner has the authority to order the repayment of an inappropriate expense or to recommend other remedial action deemed necessary.

C. COMMISSIONER'S REPORT

Section 10 of the *Expenses Act* requires the Integrity Commissioner to provide the Speaker of the Legislative Assembly of Ontario with a written report on the review of the expenses incurred by Ministers, parliamentary assistants, leaders of the Opposition and their staffs during the fiscal year. The *Expenses Act* allows the Integrity Commissioner to name in the report any person who does not comply with an order to repay or with a recommendation for other action. The Integrity Commissioner cannot name a third party and cannot fault anyone for relying on her advice.

The Integrity Commissioner may report on cases where advice regarding remedial action is not taken.

The report, below, for the fiscal year ending March 31, 2009, was filed with the Speaker subsequent to the year-end. A copy is also available on our website at www.oico.on.ca.

**REPORT
OF
LYNN MORRISON
ACTING INTEGRITY COMMISSIONER**

**RE: THE REVIEW OF EXPENSE CLAIMS SUBMITTED BETWEEN
APRIL 1, 2008 AND MARCH 31, 2009, PURSUANT TO THE
CABINET MINISTERS' AND OPPOSITION LEADERS' EXPENSES REVIEW AND
ACCOUNTABILITY ACT, 2002**

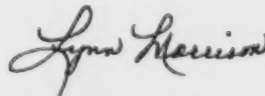
The Cabinet Ministers' and Opposition Leaders' Expenses Review and Accountability Act, 2002 (the "Act") requires the Integrity Commissioner to review and approve expenses claimed by those covered by the Act, direct repayment or recommend other remedial action. The only expenses covered by the Act are those incurred for travel, hotels, meals and hospitality.

The Act provides that all expenses incurred by ministers, parliamentary assistants, leaders of the Opposition and their staffs must be filed with the Integrity Commissioner by the end of April in each year and that the Integrity Commissioner is to report annually to the Speaker of the Legislative Assembly.

A review of all the submitted expense claims for the period April 1, 2008 to March 31, 2009 has been completed, and I am pleased to report that all requests for reimbursements were complied with and all expense claims reviewed were subsequently approved.

I am grateful for the cooperation of all those who have responded to our requests for further information about the expense claims.

DATED at Toronto this 2nd day of June 2009.



Lynn Morrison
Acting Integrity Commissioner

ONTARIO
PUBLIC SERVICE –
DISCLOSURE OF
WRONGDOING

A. OVERVIEW OF ROLE OF THE INTEGRITY COMMISSIONER IN THE DISCLOSURE OF WRONGDOING FRAMEWORK

The *Public Service of Ontario Act, 2006* (the “PSOA”) creates a framework within which public servants and former public servants (“public servants”) can come forward and disclose potential wrongdoings so that they are addressed meaningfully, and can do so without fear of reprisal. The framework consists of two parts: (1) a procedure by which public servants can make disclosures; and (2) protections against reprisal. The Integrity Commissioner’s responsibilities relate primarily to the first part — when a public servant is making a disclosure.

In some jurisdictions, the term “protected disclosure” is used to describe similar frameworks. The Ontario legislation should be viewed in a similar light, even though the term “protected disclosure” is not used.

Without an avenue for protected disclosure, an employee who witnesses an act of wrongdoing may feel unable to speak out — or blow the whistle — out of a duty of loyalty or for fear of reprisal. The *PSOA* creates two avenues by which public servants can make disclosures. Public servants can make disclosures to their own “Ethics Executive,” which is a term used in the *PSOA*. Typically, an Ethics Executive is a deputy minister (in the case of a ministry) or a chair (in the case of a public body). Ethics Executives are guided by the Disclosure of Wrongdoing Directive regarding the steps that must be taken upon receipt of a disclosure. It is the responsibility of deputy ministers and public body chairs to ensure that their employees are informed about the framework.

However, public servants who have a “reason to believe that it would not be appropriate to disclose” in accordance with the internal procedures, or who have already done so but have concerns that the matter is not being dealt with appropriately, can disclose a potential wrongdoing to the Integrity Commissioner. This is a critical part of the disclosure of wrongdoing framework because it provides public servants with an alternative to proceeding internally.

B. REPORT ON ACTIVITY

1. SUMMARY OF CONTACT AND FILE MANAGEMENT

The Integrity Commissioner is limited in the type of information that can be provided publicly. Section 112 of the *PSOA* requires the Integrity Commissioner to carry out the functions in the disclosure of wrongdoing framework in a manner that protects the identities of persons involved with disclosures of wrongdoing, including persons who make disclosures, witnesses and persons alleged to be responsible for wrongdoing. It is for this reason that details of the wrongdoings alleged will not be revealed in this Annual Report. While the public at large may not be able to identify circumstances based on a general description, the risk of identification based on general information is possible within impacted departments.

At fiscal year end we received 35 new inquiries from public servants and members of the public.

INQUIRIES FROM MEMBERS OF THE PUBLIC

Of the 35 new inquiries received, five were from members of the public. Three people required further information and two people expressed an intention to file a disclosure of potential wrongdoing. The Integrity Commissioner does not have jurisdiction to receive disclosures of potential wrongdoing from members of the public. In all cases, where possible, individuals were redirected to other offices that may have jurisdiction to assist with their matter (for example, the Ombudsman of Ontario, the ministry at issue, etc.).

INQUIRIES FROM PUBLIC SERVANTS

Of the 30 inquiries from public servants, 19 sought information about the disclosure framework. Examples of the types of information provided include:

- information and direction about how to proceed with the internal disclosure framework; and,
- information about the jurisdiction of the Integrity Commissioner under the *PSOA*.

This year, we received a handful of contacts where the public servant was provided with information about the disclosure of wrongdoing framework with an intention to make a disclosure, but the public servant decided not to proceed with filing a disclosure. In some cases, this was due to another resolution of the matter, but in a few cases, the public servant decided not to act out of fear of reprisal. It is our aim that concern about reprisal will decrease through education and awareness about the experiences of disclosers in the disclosure of wrongdoing framework.

POTENTIAL DISCLOSURES OF WRONGDOING REVIEWED & ASSESSED

Of the 30 public servants who made inquiries, 11 chose to file a disclosure of potential wrongdoing with the Integrity Commissioner. In addition, at fiscal year-end 2007–2008, there were eight inquiries remaining under review from public servants who wished to file a disclosure of wrongdoing. As a result, 19 files required review and assessment during fiscal year 2008–2009.

Each matter was reviewed to determine whether (1) there was sufficient information; and, if so, (2) whether the allegations could possibly be a “wrongdoing” as that term is defined in the *PSOA*; and, if so, (3) whether any of the circumstances in section 117 of the *PSOA* required the Integrity Commissioner to refuse to deal with the disclosure. If the Integrity Commissioner was able to deal with the matter, it was referred to an appropriate senior official within the government for an immediate investigation and a report back to the Integrity Commissioner.

The status of the 19 matters under review and assessment at fiscal year-end was:

- Seven matters were received as disclosures of potential wrongdoing and referred to the appropriate senior official (i.e. deputy minister or public body chair) for investigation, in accordance with section 118(2) of the *PSOA*.
- Two matters were received as disclosures of potential wrongdoing, but the Integrity Commissioner was unable to deal with the subject matter because of section 117 of the *PSOA*.
- One matter could not be received as a disclosure of potential wrongdoing because there was insufficient information provided to assess the Integrity Commissioner’s jurisdiction.
- Two matters were not received as a disclosure of potential wrongdoing because the allegations, if proven, could not possibly reveal a “wrongdoing” as that term is defined in the *PSOA*.
- Four matters were not received as a disclosure of potential wrongdoing for miscellaneous reasons, including that the discloser decided not to proceed.
- Three matters remain under review.

Summary of Activity for Fiscal Year 2008–2009

Inquiries from the Public

Members of the public who wish to file a disclosure of wrongdoing	2
Members of the public seeking information only	3
Total	5

Inquiries from Public Servants

Total number of inquiries in which the public servant requested information	19
Total number of inquiries in which the public servant expressed an intention to file a disclosure of wrongdoing	11
Total	30

Number of Matters That Required Review and Assessment

Number of matters for which there was not sufficient information to enable the Integrity Commissioner to determine jurisdiction	1
Number of matters that were not received as a disclosure of potential wrongdoing under section 116 of the <i>PSOA</i> because the allegations could not possibly reveal a “wrongdoing” as that term is defined in the <i>PSOA</i>	2
Number of matters that did not proceed for miscellaneous reasons (for example, the discloser decided not to proceed)	4
Number of matters received as a disclosure of a potential wrongdoing but the Integrity Commissioner was not able to deal with because of section 117	2
Number of matters referred to appropriate deputy minister/public body chair for investigation	7
Number of matters remaining under review at fiscal year end 2008–2009	3
Total	19¹

¹ Includes 11 inquiries in which the public servant expressed an intention to file a disclosure of wrongdoing, plus eight inquiries remaining under review at year-end 2008.

2. REFERRALS MADE UNDER SUBSECTION 118(2)

As noted in the chart above, seven disclosures of potential wrongdoing were referred for investigation pursuant to subsection 118(2) of the *PSOA*. The types of wrongdoing referred for investigation included abuse of authority constituting gross mismanagement and contravention of the code of conduct of public servants constituting a contravention of an Act or regulation.

One of the investigations conducted as a result of a disclosure was in relation to the Niagara Parks Commission. The Commissioner released a statement in relation to this matter on March 16, 2009, which can be accessed on our website at www.oico.on.ca.

In all cases, the Integrity Commissioner was "satisfied" with the outcome of the investigation and did not conduct her own investigation. However, the Integrity Commissioner has used the "further information" and "recommendation" powers provided in section 121 to provide oversight in some cases (see below for more information about these powers).

While no investigations resulted in findings of wrongdoing, all investigations concluded that there were circumstances or issues that required improvement to address the concerns raised by the discloser. The Integrity Commissioner is of the view that in all cases for which a referral was made, the decision of the discloser to come forward was the right decision and the filing resulted in positive, necessary changes.

REQUESTS FOR INFORMATION AND RECOMMENDATIONS

Section 121(1) of the *PSOA* provides the Commissioner with powers to request information and make recommendations to the deputy minister or public body chair responsible for the investigation. The section 121 powers are significant because if the Commissioner is not satisfied, section 122 provides the authority to commence a new investigation.

The Commissioner has used the power to request further information frequently to obtain additional specific information about circumstances alleged and the investigation. The Commissioner has also used this power to request status updates regarding progress on commitments made to address areas of concern identified in the investigation.

In consideration of the public interest, the Commissioner has made recommendations in certain cases. All recommendations made have been accepted by the applicable deputy minister or public body chair.

In the 2008–2009 fiscal year-end, the Integrity Commissioner used powers under section 121 as follows:

Power	Number of Instances	Number of Reports
121(1)(a) require the deputy minister or public body chair to provide a written report containing such further information as the Commissioner specifies	12	2
121(1)(b) make recommendations to the deputy minister or public body chair	4	2

3. INFORMATION ABOUT REPRISALS

As of March 31, 2009, the Integrity Commissioner is not aware of any activity under the reprisal provisions of Part VI of the *PSOA*. However, as is noted above, the threat of reprisal appears to continue to be a disincentive for coming forward under the framework.

The *PSOA* contains robust provisions to protect whistle-blowers; understandably, most public servants are not interested in test driving the system and placing their careers at risk. The Commissioner and staff have identified a need to be able to provide new disclosers with greater assurances about the process and the strength of the reprisal provisions.

In the coming year, the Office of the Integrity Commissioner will undertake further work to identify opportunities to provide assurance and support to those public servants wishing to come forward. It is hoped that in the future, case studies and examples of success stories can be published in this Annual Report.

4. LEARNING FROM OTHERS

Ontario is one of six Canadian jurisdictions with protected disclosure legislation. The federal government, Nova Scotia, Newfoundland-and-Labrador (with respect to its Legislative Assembly), New Brunswick and Manitoba each have similar legislation in place.

We continue to benefit from the experiences of our Canadian counterparts. In September 2008, the Commissioner attended and spoke at a symposium hosted by the Federal Public Sector Integrity Commissioner in Ottawa. In addition, our staff continue to keep contact and share best practices with other jurisdictions, including at a meeting in Halifax in November 2008.

LOBBYISTS REGISTRATION

A. OVERVIEW

Lobbying occurs when a paid lobbyist communicates with a public office holder in an attempt to influence. The *Lobbyists Registration Act, 1998* recognizes that lobbying is a legitimate activity. The lobbyist registration system provides the public, public office holders and lobbyists with the opportunity and the means to know who is talking to whom in government about what.

All persons who meet any of the definitions of lobbyist under the *Lobbyists Registration Act, 1998* must register their activities on the lobbyist registry, which is accessible through the Lobbyists Registration Office website at www.oico.on.ca. This website is the principal means of disseminating information relevant to the public, public office holders and lobbyists with respect to those working to influence government activities.

Lobbyists are required to file registration forms and have a choice to file manually for a fee or electronically, through the Lobbyists Registration Office website, at no charge.

Recently, the Lobbyists Registration Office has made significant improvements to the search function on the Lobbyists Registration Office website, and we are confident that you will find these improvements helpful. We welcome your comments and feedback.

Any person who contravenes the Ontario *Lobbyists Registration Act, 1998* is liable on summary conviction to a fine of up to \$25,000. There have been no charges laid under the *Lobbyists Registration Act, 1998* since its proclamation on January 15, 1999.

B. STATISTICS

Statistics by lobbyist type, active companies and inactive registrations are available on the website and are updated on a daily basis.

REGISTRATIONS

As of March 31, 2009, active registrations increased from 1,700 to 1,853, and inactive registrations have increased from 5,367 to 5,951. Inactive registrations include undertakings that have been completed or terminated.

CONSULTANT LOBBYISTS

Consultant lobbyists are required to file a registration for each client and undertaking. At fiscal year-end 304 active consultant lobbyists were registered as of the fiscal year-end, representing a total of 1,484 registrations.

IN-HOUSE LOBBYISTS (PERSONS AND PARTNERSHIPS)

As of March 31, 2009, 158 employees registered on behalf of their corporate employer when their lobbying activity represented a significant part of their duties. These employees represented the interests of 77 businesses.

IN-HOUSE LOBBYISTS (ORGANIZATIONS)

As of March 31, 2009, 211 senior officers who lobby the Ontario government as a significant part of their duties were registered on behalf of their in-house organizations and the paid employees, totaling 936. This group included industry, business and professional groups, together with charitable organizations.

Lobbyists and Registrations as of March 31, 2009

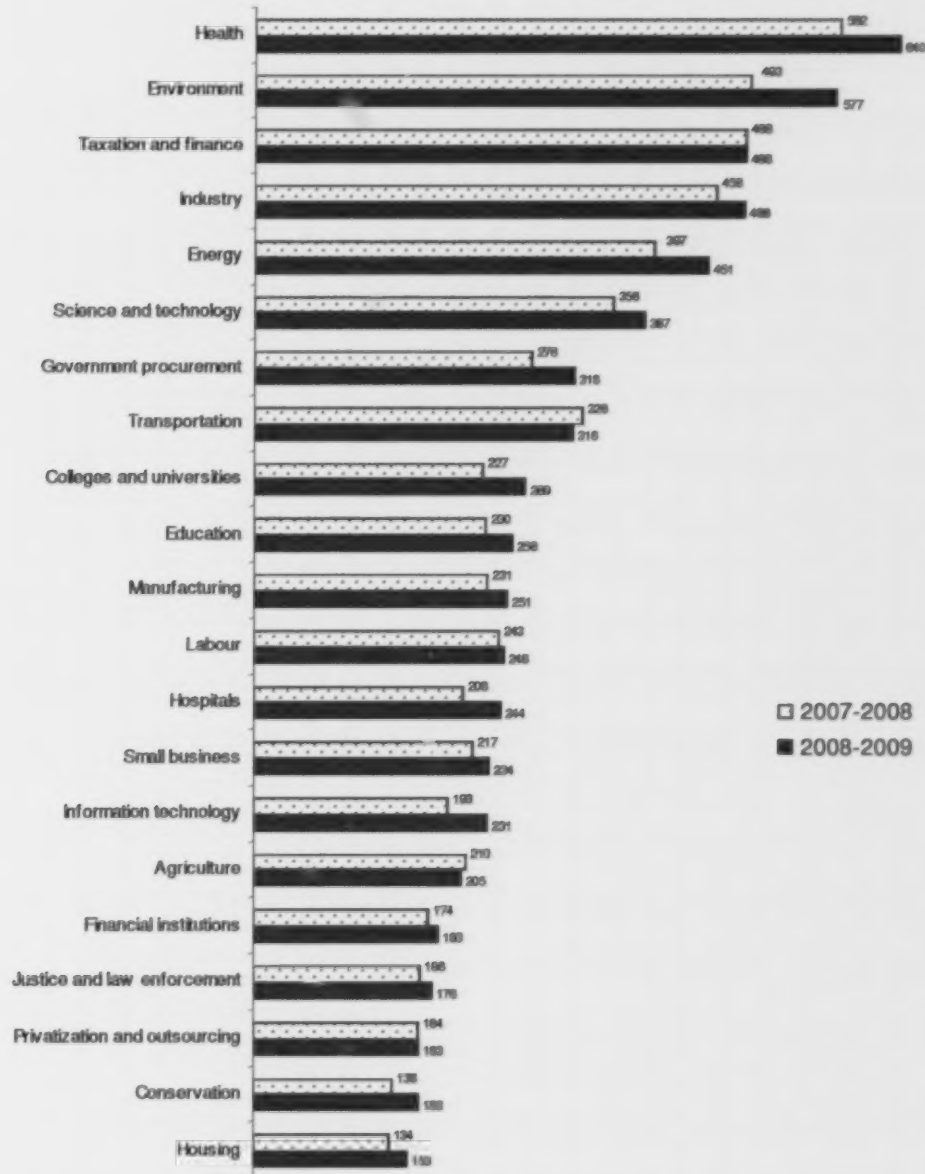
	Consultant Lobbyists	In-House Lobbyists (Persons and Partnerships)	In-House Lobbyists (Organizations)
Lobbyists	304	158	936
Registrations	1,484	158	211
Terminations	5,731	174	46

Active Companies as of March 31, 2009

Consultant Lobbyists — Firms	176
Consultant Lobbyists — Clients	871
In-House Lobbyists (Persons and Partnerships) Employers	77
In-House Lobbyists (Organizations) Employers	211

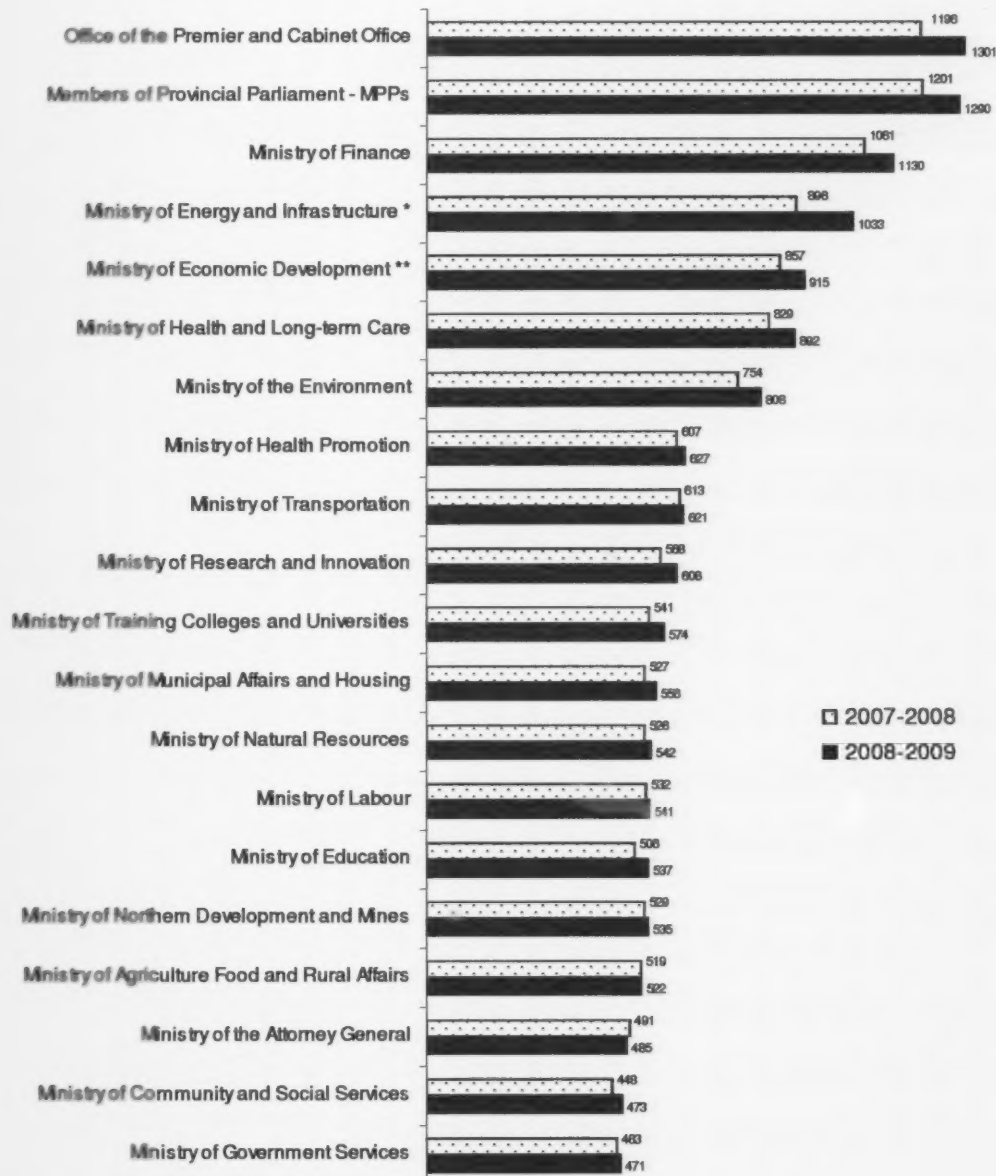
SUBJECT MATTER OF LOBBYING ACTIVITIES

All lobbyists are required to disclose the areas of interest that identify the subject matter of their lobbying activities. The following chart compares the last two fiscal years and shows the 20 areas of interest most frequently identified by the lobbyists in active registrations as of March 31, 2009.



GOVERNMENT MINISTRIES AND AGENCIES

All lobbyists are required to disclose the names of the ministries and agencies that they are, or expect to be, in contact with during the course of their lobbying activities. The chart below sets out those 20 Ontario government ministries and agencies most frequently contacted by lobbyists in the two fiscal years prior to March 31, 2009.



Note:

* formerly Ministry of Energy and Ministry of Public Infrastructure Renewal

** formerly Ministry of Economic Development and Trade